

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NVIDIA CORPORATION,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 14-1127-LPS-CJB
)	
SAMSUNG ELECTRONICS CO., LTD.,)	JURY TRIAL DEMANDED
et al.)	
)	
Defendants.)	

**DEFENDANTS' UNOPPOSED MOTION TO STAY
PENDING RESOLUTION OF PROCEEDINGS
AT THE INTERNATIONAL TRADE COMMISSION**

Defendants Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Telecommunications America, LLC, Samsung Semiconductor, Inc. and Qualcomm Inc. (“Defendants”) respectfully move the Court, pursuant to 28 U.S.C. § 1659(a), to stay this action in its entirety until the proceedings between the parties before the International Trade Commission (“ITC”) become final. Plaintiff does not oppose this motion.

On September 4, 2014, Plaintiff Nvidia Corporation (“Nvidia”) filed a complaint in this Court naming Defendants and asserting infringement of U.S. Patent Nos. 6,198,488 (the “488 Patent”), 6,992,667 (the “667 Patent”), 7,038,685 (the “685 Patent”), 7,015,913 (the “913 Patent”), 6,697,063 (the “063 Patent”), 7,209,140 (the “140 Patent”), and 6,690,372 (the “372 Patent”) (collectively “Asserted Patents”). D.I. 1. On the same day, Nvidia filed a complaint with the ITC requesting an investigation pursuant to Section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337. The ITC complaint alleges infringement of the Asserted Patents by Defendants. The ITC instituted Investigation No. 337-TA-932 (the “ITC Investigation”) on October 6, 2014, and published the Notice of Investigation in the Federal Register on October 7, 2014. A copy of

the ITC complaint is attached as Exhibit A, and a copy of the ITC's Notice of Investigation is attached as Exhibit B.

The mandatory stay provision of 28 U.S.C. § 1659(a) states as follows:

(a) **Stay.**— In a civil action involving parties that are also parties to a proceeding before the United States International Trade Commission under section 337 of the Tariff Act of 1930, at the request of a party to the civil action that is also a respondent in the proceeding before the Commission, the district court shall stay, until the determination of the Commission becomes final, proceedings in the civil action with respect to any claim that involves the same issues involved in the proceeding before the Commission, but only if such request is made within—

(1) 30 days after the party is named as a respondent in the proceeding before the Commission, or

(2) 30 days after the district court action is filed,

whichever is later.

Defendants' request for a stay satisfies 28 U.S.C. § 1659(a). The complaint involves the same parties and the same patents as the proceedings before the ITC. The plaintiff in this Court, Nvidia, is also the complainant before the ITC; and the Defendants in this Court are also the respondents in the proceeding before the ITC. The complaint in this Court and the pending ITC investigation both involve the same issues—the alleged infringement of the same patents under the same legal theory (infringement).

This motion is also timely under 28 U.S.C. § 1659(a)(1) because it was filed within 30 days after Defendants were named as respondents in the ITC Investigation.

For the foregoing reasons, Defendants respectfully request that the Court enter an order staying this action in its entirety until the ITC Investigation becomes final and is no longer subject to judicial review.

Respectfully submitted,

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